

REMARKS

Applicants request that the Examiner enter the amendment prior to continued examination of this application.

Claims 1-59 are pending in the application. Claims 1-6, 8-31, 34-39, 41-50 and 52-59 remain pending following entry of this amendment. Claims 1, 14, 31, 37 and 47 have been amended. Claims 7, 32-33, 40 and 51 have been canceled. Applicants submit that the amendments do not introduce new matter.

Further, Applicants are not conceding in this application that those amended (or canceled) claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue these (pre-amended or canceled claims) and other claims in one or more continuations and/or divisional patent applications.

The Board has upheld a rejection of Claims 1-6, 8-31, 34-39, 41-50 and 52-59 over the *Brook* reference (U.S. Publication 2002/0038320). In upholding the rejection, the Board agreed "with the Examiner that the determination of whether the documents are equivalent can be reasonably construed as whether the documents are structurally equivalent." Decision on Appeal, p. 5. However, the claim 1 is amended to require that two documents are compared and "on the basis of the comparison, determining whether the elements are equivalent, wherein determining whether the documents are at least equivalent comprises determining whether the documents are structurally equivalent and whether selected portions of the documents are equivalent in content." Claims 14, 31, 37 and 47 have been amended to recite a comparable limitation.

Conclusion

Applicants submit that Brooks does not disclose at least this aspect of the independent claims. Accordingly, Applicants believe that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. MCCLELLAN, Reg. #44227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
1150 Revolution Mill Drive, Studio 5
Greensboro, NC 27405
Telephone: (336) 698-4286
Facsimile: (713) 623-4846
Attorney for Applicants